

PEOSH Hazard Communication Standard (HCS) N.J.A.C. 12:100-7

**NJ Department of Health and Senior
Services**

**PEOSH Program
(609) 984-1863**

Background

- The proposal to adopt the federal HazCom Standard, 29 CFR 1910.1200, with amendments was published January 11, 2004.
 - Amendments = Components of RTK training requirements to create PEOSH HCS
- Final adoption of the PEOSH HCS, N.J.A.C. 12:100-7, was May 3, 2004.

PEOSH HCS and the RTK Act Rules

- Public employers are required to comply with **both** the PEOSH HCS and the RTK Act.

PEOSH HCS

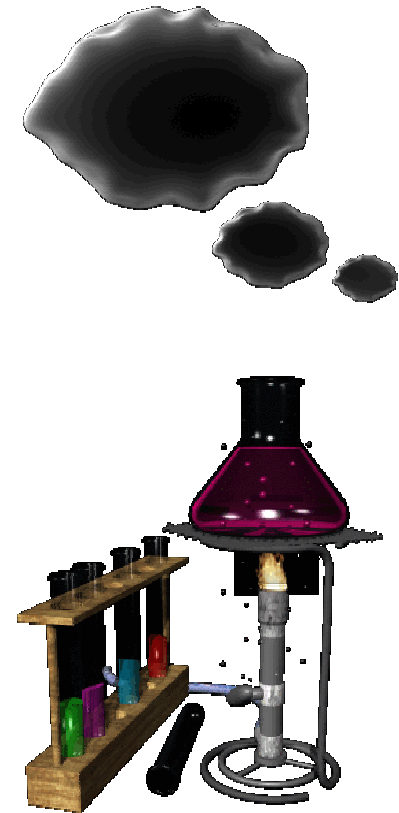
Who is covered?

- All public employers and employees who use or store hazardous chemicals or products containing hazardous chemicals.
- A “**hazardous chemical**” is defined as a chemical which is a physical hazard or a health hazard.



Health Hazard

- A chemical for which there is statistically significant evidence that acute or chronic health effects may occur in exposed employees.



Health Hazard (I)

- Includes chemicals which are:
 - carcinogens
 - toxic or highly toxic agents
 - reproductive toxins
 - irritants
 - corrosives
 - sensitizers

Health Hazard (II)

- Includes chemicals which are:
 - hepatotoxins
 - nephrotoxins
 - neurotoxins
 - agents which act on the hematopoietic system and
 - agents which damage the lungs, skin, eyes or mucous membranes.

Health Hazard

■ Appendix A

- provides further definitions and explanations of the scope of health hazards.

■ Appendix B

- describes the criteria to be used to determine whether or not a chemical is to be considered hazardous.

Physical Hazard (I)

- A chemical for which there is scientifically valid evidence that it is:
 - a combustible liquid,
 - a compressed gas,
 - explosive,
 - flammable,



Physical Hazard

- an organic peroxide,
- an oxidizer,
- pyrophoric,
- Unstable (reactive) or
- water-reactive.



Health Hazard and Physical Hazard

■ Sources of information:

PEOSH HCS

- **N.J.A.C. 12:100-7.2(f)** for those products to which the standard does not apply.
 - Articles
 - Consumer Products
 - Food or Tobacco Products
 - Drugs, Cosmetics
 - Biological Hazards, etc.

Health Hazard and Physical Hazard

■ Sources of information:

PEOSH HCS

- **N.J.A.C. 12:100-7.4** for sources of information used to identify hazardous chemicals
 - **ASHA 29 CFR 1910, Subpart Z**
 - **NTP Annual Report**
 - **IARC Monographs**
 - **ACGIH Threshold Limit Values, etc.**

PEOSH HCS

N.J.A.C. 12:100-7

■ Purpose of the HCS

- To ensure the evaluation of all hazardous chemicals developed; and
- Communication of the hazards of chemicals to downstream employers and employees through:
 - Container labeling;
 - Material Safety Data Sheets (MSDSs);
 - **Hazard Substance Fact Sheets (HSFSs)**;
 - and
 - Employee training

PEOSH HCS

N.J.A.C. 12:100-7

■ **Provisions of the PEOSH HCS**

- Chemical Hazard Evaluation
- A written Hazard Communication Program
 - Including a List of Hazardous Chemicals
- Container Labeling
- Material Safety Data Sheets
- Employee Training
- Trade Secret

PEOSH HCS

N.J.A.C. 12:100-7.2 (c), (d)

■ **Limited Coverage**

■ Sealed Container Operations

■ Laboratories

- Employers are required to:
 - Ensure that labels are not defaced or removed from incoming containers;
 - Obtain and maintain MSDSs; and
 - Train employees.
 - (Except for location and availability of written program)

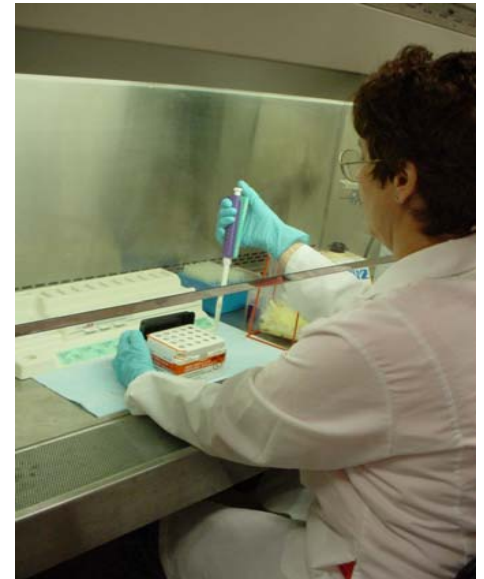
Laboratories

For Laboratories covered under the Occupational Exposure to Hazardous Chemicals in Laboratories Standard, **29 CFR 1910.1450, the requirements of the PEOSH HCS are superseded.**

(Laboratories where multiple chemicals or chemical procedures are used, the procedures are not part of a production process, and protective laboratory practices and equipment are available and in common use)

Laboratories

- * These laboratories are still required to comply with the provisions of the RTK Act.**



PEOSH HCS

N.J.A.C. 12:100-7.2 (c), (d)

- Laboratories that ship hazardous chemicals are considered manufacturers or distributors
 - Develop and Provide MSDSs
 - Label Container

Provisions of HCS

N.J.A.C. 12:100-7.4

■ **Chemical Hazard Evaluation**

- This is the responsibility of producers, manufacturers and distributors.
 - Each hazardous chemical produced or imported must be evaluated for its ability to cause adverse health effects.

This section may not apply to public employers unless you create or ship hazardous chemicals to others.

Provisions of HCS

N.J.A.C. 12:100-7.5

■ Written Hazard Communication Program

- Employers must develop and maintain a written program at each workplace.
- Written program must be made available upon request to employees and the Commissioners of DOL and DHSS within 15 working days in accordance with **29 CFR 1910.1020(e)**.
(Access to Employee Exposure and Medical Records)

Provisions of HCS

N.J.A.C. 12:100-7.5

■ **Written Hazard Communication Program**

- Describe how the requirement to label, provide MSDSs and train employees will be met.
- Also include a list of hazardous chemicals.
 - **Employers can use their RTK Survey as the list**
 - **Review N.J.A.C. 12:100-7.2(f) for exemptions**
 - **Complete a supplemental list of hazardous chemicals if necessary**

Provisions of HCS

N.J.A.C. 12:100-7.5

- **Written Hazard Communication Program**
- Written Program must include:
 - An explanation of how employees will be informed of the hazards of non-routine tasks and chemicals contained in unlabeled pipes;
 - Information about the availability and location of MSDSs and **HSFSs**;
(Procedures used if MSDSs are not received)

Provisions of HCS

N.J.A.C. 12:100-7.5

- **Written Hazard Communication Program**
 - Written Program must include:
 - Description of employee training programs;
 - Initial, Refresher, and when new hazards are introduced
- (Initial training provided upon assignment to work with a hazardous chemical)**

Provisions of HCS

N.J.A.C. 12:100-7.5

■ Written Hazard Communication Program :

- Must include procedures for providing hazard information to other employers.

The written program must reflect the policies and procedures implemented to comply with the standard and must be specific for the facility.

Provisions of HCS

N.J.A.C. 12:100-7.6

■ **Container Labeling**

- Performed by manufacturers, producers, and distributors.
- Labels must contain:
 - Chemical identity;
 - Hazard warnings;
 - ID target organs affected; and
 - Manufacturer's name and address.

Labeling and Other Hazard Warnings

- The warning may be in the form of:
 - words;
 - pictures; or
 - symbols.



Provisions of HCS

N.J.A.C. 12:100-7.6

■ **Container Labeling**

- In general, public employers must:
 - Ensure that incoming containers are labeled and if necessary, transfer containers are labeled.
- Public employers are required to comply with both the HCS and RTK labeling requirements.

Provisions of HCS

N.J.A.C. 12:100-7.7

- **Material Safety Data Sheets (MSDSs)**
 - Prepared by manufacturer or importer
 - Prepared for all hazardous chemicals or products
 - It is required to be provided to distributors and downstream employers

Provisions of HCS

N.J.A.C. 12:100-7.7

■ Material Safety Data Sheets (MSDSs)

■ Public employers must:

- Obtain and maintain MSDSs for each hazardous chemical or product;
 - *MSDS are required to be in English, but can also be kept in the language of the employees*
- Make MSDSs accessible to employees while they are in their work areas during each work shift

Provisions of HCS

N.J.A.C. 12:100-7.7

- **Material Safety Data Sheets (MSDSs)**
 - **Alternatives to maintaining paper copies of MSDSs are permitted. For example:**
 - **Electronic access**
 - **Microfiche**

PEOSH HCS Amendments

- N.J.A.C. 12:100-7.3
 - New definitions added:
 - Hazardous Substance Fact Sheet (HSFS)
 - RTK Hazardous Substance List (RTK HSL)
 - RTK Survey
 - Technically Qualified Person
 - Workplace Hazardous Substance List
 - Workplace Survey

PEOSH HCS

(N.J.A.C. 12:100-7.8 (Training))

■ **New Requirements**

- Maintain training records
- A list of training documentation provided
- Biennial Refresher training
- Use of a “technically qualified person” to conduct training
- A explanation of applicable provisions of the RTK Act during training
 - *RTK Survey, RTK HSL, Labeling, HSFS, Poster, and Central File*

PEOSH HCS

N.J.A.C. 12:100-7.8 (Training)

■ **New Requirements**

- Inform employees of the location and availability of:
 - RTK Survey, HSFSs, and RTK HSL
- Provide chemical specific information through HSFSs
- Training appropriate in content and vocabulary to the educational level, literacy, and language of employees
- A copy of the RTK brochure must be provided

Provisions of HCS

N.J.A.C. 12:100-7.8

■ **Employee Training (I)**

- Training must be provided to all employees who are exposed to hazardous chemicals under normal conditions of use or in a foreseeable emergency.

Provisions of HCS

N.J.A.C. 12:100-7.8

■ Employee Training (II)

- Employees must be trained **at the time of initial assignment** and when a new hazard is introduced.
 - Employers shall ensure employees' participation in training.

Provisions of HCS

N.J.A.C. 12:100-7.8

■ Employee Training (III)

- **Refresher training** must be provided every two years.

- Refresher training is an abbreviated version of the initial training, and includes:
 - A review of the Standard;
 - A review of the written program and any changes, and
 - Conducting training on existing and new hazards, etc.

Provisions of HCS

N.J.A.C. 12:100-7.8

■ Employee Training (IV)

- Training is provided during working hours at no cost to employee.
- Provided by a “technically qualified person.”
 - **Note: Certification of trainers is not required under PEOSH HCS**

Provisions of HCS

N.J.A.C. 12:100-7.8

■ **Employee Training (V)**

- Training must be appropriate in content and vocabulary, educational level, literacy, and language.

(There is not a time frame specified for training)

- Documentation of training is required
 - Training records kept for the duration of an employee's employment.

Provisions of HCS

N.J.A.C. 12:100-7.8

Public Employee's training on hazardous chemicals will now be solely enforced by the PEOSH Program under the HCS. A separate RTK training program is not required.

Provisions of HCS

N.J.A.C. 12:100-7

■ Trade Secret

- Manufacturers, producers, or importers are allowed to withhold the specific chemical identity of a hazardous chemical from an MSDS if certain conditions are met.
 - A written request for disclosure must be provided to obtain information.
 - In cases of medical emergencies the identity of trade secrets must be released

NJ Worker and Community Right To Know Act

■ Provisions

- Complete a RTK Survey
- Post RTK Poster
- Establish RTK Central File
 - HSFSSs, MSDSs, HSL, RTK Survey
- Label Containers
- Train Employees

PEOSH HCS and Right To Know Act

■ HCS Compliance

- Written Program
- List of chemicals
- Container labeling
- Obtain/maintain MSDSs
- **Train Employees**

■ RTK Compliance

- Complete RTK Survey
- RTK Poster
- Establish Central File
- Container Labeling

PEOSH HCS

N.J.A.C. 12:100-7

■ **How to Comply**

■ Read the Standard

- Review Appendix E of the Standard

■ Obtain PEOSH Program documents

- PEOSH Adopts Hazard Communication Standard bulletin
- Public Employer's Guide and Model Written Program for the Hazard Communication Standard

PEOSH HCS

N.J.A.C. 12:100-7

■ How to Comply

- Public employers should identify responsible staff for the implementation of their HCS Program, including individuals responsible for:
 - Initial and refresher training;
 - Obtaining and maintaining MSDSs and HSFSs;
 - Labeling (HCS and RTK);
 - Communicating hazard information to other employers; and
 - Evaluation of the HCS Program

PEOSH HCS

N.J.A.C. 12:100-7

■ How to Comply

■ Develop the Written Program

■ Review Training Status

- If RTK Training Completed -
 - Provide supplemental training with new information on PEOSH HCS and allow for the written program to be reviewed
- If RTK Training is yet to be performed -
 - Provide a complete PEOSH HCS training

For Additional Information

- **New Jersey Department of Health and Senior Services**

PEOSH Program

PO Box 360

Trenton, NJ 08625-0360

www.nj.gov/health/eoh/peoshweb

- **New Jersey Department of Labor**

Division of Public Safety and Occupational Safety and Health

PO Box 386

Trenton, NJ 08625-0386

www.nj.gov/labor/lspeosh.html